



E-Filed on 7/23/09

1 3993 Howard Hughes Parkway, Suite 600
 Las Vegas, NV 89169-5996
 Facsimile (702) 949-8321
 Telephone (702) 949-8320

2 Rob Charles NV State Bar No. 006593
 Email: rcharles@lrlaw.com
 John Hinderaker AZ State Bar No. 018024
 Email: jhinderaker@lrlaw.com
 Marvin Ruth NV State Bar No. 10979
 Email: mruth@lrlaw.com

3 Attorneys for USACM Liquidating Trust

4 In re:

5 USA COMMERCIAL MORTGAGE
 COMPANY,

6 USA CAPITAL REALTY ADVISORS,
 LLC,¹

7 USA CAPITAL DIVERSIFIED TRUST
 DEED FUND, LLC,

8 USA CAPITAL FIRST TRUST DEED
 FUND, LLC,²

9 USA SECURITIES, LLC,³ Debtors.

10 Affects:

- All Debtors
- USA Commercial Mortgage Company
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC
- USA Securities, LLC

11 Case No. BK-S-06-10725-LBR¹
 Case No. BK-S-06-10726-LBR¹
 Case No. BK-S-06-10727-LBR²
 Case No. BK-S-06-10728-LBR²
 Case No. BK-S-06-10729-LBR³

12 CHAPTER 11

13 Jointly Administered Under Case No.
 BK-S-06-10725 LBR

14 **NOTICE OF HEARING REGARDING
 SEVENTEENTH OMNIBUS
 OBJECTION OF USACM TRUST TO
 PROOFS OF CLAIM BASED, IN
 WHOLE OR IN PART, UPON
 INVESTMENT IN THE BAY
 POMPANO BEACH LOAN**

15 Date of Hearing: August 21, 2009
 Time of Hearing: 9:30 a.m.

16 **THE USACM LIQUIDATING TRUST IS OBJECTING TO THE CLAIM
 THAT YOU FILED. THE USACM TRUST SEEKS TO DISALLOW YOUR
 CLAIM TO THE EXTENT IT IS BASED UPON INVESTMENT IN THE BAY**

17 ¹ This bankruptcy case was closed on September 23, 2008.

18 ² This bankruptcy case was closed on October 12, 2007.

19 ³ This bankruptcy case was closed on December 21, 2007.



1 **POMPANO BEACH LOAN. THIS OBJECTION WILL NOT IMPACT YOUR**
2 **CLAIM TO THE EXTENT IT IS BASED UPON AN INVESTMENT IN A**
3 **DIFFERENT LOAN.**

4 **PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY**
5 **COURT TO DISCUSS THE MERITS OF YOUR CLAIM. QUESTIONS**
6 **REGARDING THE AMOUNT OF A CLAIM OR THE FILING OF A CLAIM**
7 **SHOULD BE DIRECTED TO BRANT FYLLING OF SIERRA CONSULTING**
8 **GROUP, LLC ((602) 424-7009) OR THE UNDERSIGNED COUNSEL.**

9 **NOTICE IS HEREBY GIVEN** that the USACM Liquidating Trust has filed its
10 Seventeenth Omnibus Objection to Proofs of Claim Based, in Whole or in Part, Upon
11 Investment in the Bay Pompano Beach Loan (the “Objection”). Your Proof of Claim
12 number and other information regarding your claim is provided in **Exhibit A**, attached.
13 The USACM Liquidating Trust has requested that this Court enter an order, pursuant to
14 Bankruptcy Code § 502 and Bankruptcy Rule 3007, disallowing your Proof of Claim to
15 the extent it is based upon investment in the Bay Pompano Beach Loan. The Objection
16 will not impact your Claim to the extent it is based upon an investment in a different loan.

17 **NOTICE IS FURTHER GIVEN** that the hearing on the Objection will be held
18 before the Honorable Linda B. Riegle, United States Bankruptcy Judge, in the Foley
19 Federal Building, 300 Las Vegas Boulevard South, Courtroom 1, Las Vegas, Nevada, on
20 **August 21, 2009, at the hour of 9:30 a.m.**

21 **NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON AUGUST**
22 **21, 2009, WILL BE HELD FOR THE PURPOSE OF STATUS CHECKS AND**
23 **SCHEDULING EVIDENTIARY HEARINGS ONLY. NO ARGUMENTS WILL BE**
24 **HEARD ON THAT DATE.**

25 **NOTICE IS FURTHER GIVEN** that any response to the Objection must be filed
26 by August 14, 2009 pursuant to Local Rule 3007(b), which states:



If an objection to a claim is opposed, a written response must be filed and served on the objecting party at least 5 business days before the scheduled hearing. A response is deemed sufficient if it states that written documentation in support of the proof of claim has already been provided to the objecting party and that the documentation will be provided at any evidentiary hearing or trial on the matter.

If you object to the relief requested, you *must* file a **WRITTEN** response to this pleading with the Court. You *must* also serve your written response on the person who sent you this notice.

If you do not file a written response with the Court, or if you do not serve your written response on the person who sent you this notice, then:

- The Court may *refuse to allow you to speak* at the scheduled hearing; and
- The Court may *rule against you* and sustain the objection without formally calling the matter at the hearing.

Dated: July 23, 2009.

LEWIS AND ROCA LLP

By /s/ Marvin Ruth (#10979)
 Rob Charles, NV 6593
 John C. Hinderaker, AZ 18024 (*pro hac vice*)
 Marvin Ruth, NV 10979
 3993 Howard Hughes Parkway, Suite 600
 Las Vegas, Nevada 89169
 Telephone: (702) 949-8320
 Facsimile: (702) 949-8398
 E-mail: mruth@lrlaw.com
Attorneys for the USACM Liquidating Trust

Copy of the foregoing and pertinent portion of Exhibit A mailed by first class postage prepaid U.S. Mail on July 23, 2009 to:

Parties listed on Exhibit A attached.

LEWIS AND ROCA LLP

/s/ Carrie Lawrence
 Carrie Lawrence